

ORIGINAL

INTERVENTION



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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

2009 FEB 23 P 2: 59

Arizona Corporation Commission

DOCKETED

KRISTIN K. MAYES, Chairman  
GARY PIERCE  
PAUL NEWMAN  
SANDRA D. KENNEDY  
BOB STUMP

AZ CORP COMMISSION  
DOCKET CONTROL

FEB 23 2009

DOCKETED BY

Docket No. E-01345A-09-0037

IN THE MATTER OF ARIZONA  
PUBLIC SERVICE COMPANY'S  
RESOURCE PLAN APPLICATION

APPLICATION OF FREEPORT-  
MCMORAN COPPER & GOLD INC.  
AND ARIZONANS FOR ELECTRIC  
CHOICE AND COMPETITION FOR  
LEAVE TO INTERVENE

Pursuant to A.A.C. R14-3-105, Freeport-McMoRan Copper & Gold Inc. ("Freeport-McMoRan") and Arizonans for Electric Choice and Competition ("AECC") hereby apply to the Arizona Corporation Commission (the "Commission") for an Order granting Freeport-McMoRan and AECC leave to intervene in the above captioned proceeding.

Freeport-McMoRan maintains facilities and operations within the State of Arizona, which receive electric services from Arizona Public Service Company ("APS"). As a user of electric services provided by APS, Freeport-McMoRan will be directly and substantially affected by the decision of the Commission in this proceeding. The Commission should, therefore, grant Freeport-McMoRan leave to intervene in this matter.

AECC is a coalition of energy consumers, most of whom are also customers of APS. The Commission should grant AECC leave to intervene in this matter because the members of AECC are customers of APS and will be directly and substantially affected by the decision of the Commission in this proceeding. The Commission should, therefore, grant AECC leave to intervene in this matter.

Neither Freeport-McMoRan's nor AECC's participation in this proceeding will

1 broaden the issues nor unduly delay the proceeding, except upon leave of the Commission  
2 first had and received.

3 For the reasons outlined above, Freeport-McMoRan and AECC respectfully  
4 request that the Commission grant this Application for Leave To Intervene in this matter.

5 Freeport-McMoRan and AECC request that all communications in connection with  
6 the above captioned proceeding be directed to:

7 C. Webb Crockett  
8 Patrick J. Black  
9 FENNEMORE CRAIG, P.C.  
10 3003 North Central Avenue  
11 Suite 2600  
12 Phoenix, Arizona 85012-2913  
13 (602) 916-5333  
14 Fax: (602) 916-5533  
15 wcrocket@fclaw.com  
16 pblack@fclaw.com

17 RESPECTFULLY SUBMITTED this 23<sup>rd</sup> day of February 2009.

18 FENNEMORE CRAIG, P.C.

19 By 

20 C. Webb Crockett  
21 Patrick J. Black  
22 3003 N. Central Avenue, Ste. 2600  
23 Phoenix, AZ 85012-2913

24 Attorneys for Freeport-McMoRan Copper & Gold Inc.  
25 and Arizonans for Electric Choice and Competition

26 **ORIGINAL and 13 COPIES** of the foregoing  
**FILED** this 23<sup>rd</sup> day of February 2009 with:

Docket Control  
ARIZONA CORPORATION COMMISSION  
1200 West Washington  
Phoenix, Arizona 85007

1 **COPY** of the foregoing was **TRANSMITTED**  
2 **ELECTRONICALLY** this 23rd day of February 2009 to:

3 Lyn Farmer  
4 Chief Administrative Law Judge  
5 Arizona Corporation commission  
6 1200 West Washington Street  
7 Phoenix, Arizona 85007-2927  
8 Lfarmer@azcc.gov

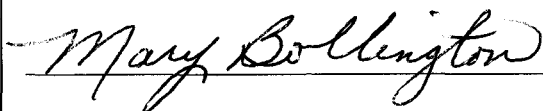
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11 1200 West Washington Street  
12 Phoenix, Arizona 85007-2927  
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